

REMARKS

In the Office Action of March 22, 2006, the Examiner has subjected pending claims 1-27 to a restriction requirement. According to the Examiner, the inventions in Groups I -X are unrelated since the methods involve different steps involving different products. The Examiner has required Applicants to elect a group for examination purposes. (Office Action, page 3, final 2 paragraphs.)

Applicants respectfully traverse the restriction requirement for the following reasons. The implementing regulations of the Patent and Trademark Office include the mandate that restriction is appropriate only in cases presenting inventions which are both independent and distinct. 37 C.F.R. §1.141-142. Without independence *and* distinctness, a restriction requirement is unauthorized.

As the M.P.E.P. states, separate classification is not sufficient if the entire case can be searched at once without serious burden. Applicants respectfully propose that Groups I and II above be rejoined into one group since the subject matter of both groups is the same, namely a method of converting a fatty acid to its corresponding dicarboxylic acid using a yeast transformed with fusion gene comprising a POX 4 promoter. No benefit is derived from maintaining these two groups as separate since the claims in these two groups only differ in the preamble and therefore, the Examiner would not have an undue burden of searching the subject matter of Group II when Group I is elected.

Should the Examiner disagree with the proposed grouping of the claims, Applicants elect Group (I) with traverse, claims 1, 4-6, 17-19, 21-25 and 27 drawn to a method of converting a fatty acid to its corresponding dicarboxylic acid using a yeast transformed

with fusion gene comprising a POX 4 promoter, classified in class 435, subclass 145.

This is in response to the Office Action mailed March 22, 2006, which set a shortened statutory period of one month for response. Accordingly, this response is filed timely upon mailing with an executed Certificate of Mailing on or before April 24, 2006, since April 22, 2006, falls on a Saturday. 35.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Leo G. Lenna", with a long horizontal flourish extending to the right.

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